

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0402

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ROBERT HOUGHTON,

Defendant and Appellant.

FILED

OCT 30 2009

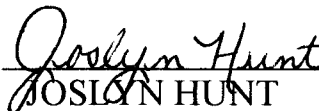
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joslyn Hunt, Chief Appellate Defender and respectfully requests an extension of time until November 30, 2009, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 30th day of October, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: _____


JOSLYN HUNT

Chief Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2. In his former capacity as Chief Appellate Defender, Jim Wheelis assigned Kelli S. Sather to handle the above-entitled matter.

3. The Appellant's opening brief was due on October 13, 2009.

4. Ms. Sather left the Appellate Defender Office on September 14, 2009. She returned to the Office of the State Public Defender to work as a trial attorney. In leaving the Appellate Defender Office, however, a decision was made for Ms. Sather to keep some of her cases that she had been assigned to handle as an appellate attorney. One of those cases was Robert Houghton's appeal. Ms. Sather maintained that she would file his opening brief on appeal.

5. To date, Mr. Houghton's opening brief has not been filed. Ms. Sather had intended to ask for an extension but given her current work schedule and the fact that she needed additional time to consult with her client. However, in her

transition back to the Office of the State Public Defender and the Appellate Defender's Office move, the extension was not filed.

6. Ms. Sather and I apologize greatly for the oversight. She will work diligently to complete the matter within the additional 30 days she is now requesting.

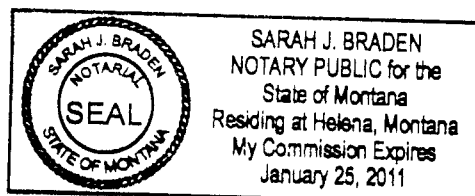
7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Joslyn Hunt
Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 30th day of
October, 2009.

Sarah J. Braden
Sarah J. Braden



CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

MARTY LAMBERT
Gallatin County Attorney
1709 W. College
Bozeman, MT 59715

ROBERT HOUGHTON 3002846
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

10/30/09

